

Appl. No. 10/729,039
Terminal Disclaimer



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/729,039 Confirmation No. 5294
Applicant : WILLIAMS
Filed : December 5, 2003
Title : SOLUBLE RECOMBINANT BOTULINUM TOXIN PROTEIN
COMPOSITIONS

TC/A.U. : 1600/1645
Examiner : PORTNER, V.A.

Docket No. : D2939-CIPCONDIV4
Customer No. : 33197

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 6, 2005
Janet M. [Signature]

TERMINAL DISCLAIMER

Dear Sir:

The owner, Allergan, of the entire right, title and interest in and to the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,787,517.

The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

10/13/2005 BABRAHA1 00000039 010885 10729039

03 FC:1814 130.00 DA


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge the terminal disclaimer fee under 37 CFR 1.20(d) of \$130.00 to Deposit Account No. 01-0885.

The undersigned is an attorney of record.

Date: 10/6/05

Respectfully submitted,



Frank J. Uxa
Attorney for Applicant
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile